



***Town of Tyngsborough  
Conservation Commission***

25 Bryants Lane  
Tyngsborough, Massachusetts 01879-1003  
Office: (978) 649-2300 ext. 116  
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Minutes  
April 23, 2013  
**APPROVED**

**Present:**

**BM:** Brian Martin      **LG:** Lucy Gertz      **ES:** Ed Smith      **PM:** Pat Mical      **MM:** Matt Marro

**Absent:**

**JE:** Jerry Earl      **JK:** Jeff Kablik      **LB:** Linda Bown

**Attachments:**

1. Agenda
2. Enforcement Order for 72 Tyng Rd. (Innovation Academy) – 4/11/13
3. 72 Tyng Rd. (Innovation Academy) Response to Enforcement Order – 4/16/13
4. Conservation Director Site Inspection Report for 72 Tyng Rd.(Innovation Academy) – 4/11/13
5. Email Regarding Innovation Academy Enforcement Order – 4/19/13

**7:00pm**      BM opened meeting

**7:02pm**      **72 Tyng Rd. (Innovation Academy)** – Stormwater Management Permit Enforcement Order/Administrative Enforcement hearing under the local protective wetlands by-law.

MM reported that the special conditions of the Stormwater Permit for the modular classroom required that a site inspection be performed by the Tyngsborough Conservation Director prior to the rock and grading being placed, and again after the work was done. However, MM learned that neither of these conditions was communicated to the site contractor from the engineers. On April 10, 2013 MM did a site inspection and found that demolition debris in large amounts were deposited to the edge of the bordering vegetated wetland on the northerly side of the lot and filling within the 30 foot no touch zone without a valid Order of Conditions.

President of Innovation Academy Walter Landberg appeared before the Commission to express his disappointment at what has happened and assured the Commission that they would do whatever is needed to rectify the situation. Engineer for the school, Stevie Cavahlo of Thompson Farland described the three areas of disturbance that total approximately 22,500 square feet, 2,500 square feet of it is wetland. He went on to describe the three areas of debris as piles of dirt, yard type waste, and boulders from the building project. Mr. Cavahlo suggested two alternatives for removal and restoration of the wetland areas. First, remove all of the debris piles, or second, remediate in a different area of the property.

The Commission strongly requested that all of the debris piles be completely removed, and re-build the damaged wetland areas. A Notice of Intent will be required to be filed with the Commission as soon as possible in order for any of this work to be done. The engineer felt that they would be able to comply quickly and be ready for the May 28, 2013 meeting.

ES: Motion to continue the Enforcement Order hearing for 72 Tyng Rd. to May 28, 2013 at 7pm.  
PM: 2<sup>nd</sup> the motion  
In Favor: 4 Opposed: 0 Absent: 3  
Passes: 4-0-3

## **Reports/Discussion:**

### **Director's Report**

- Ortho-Photo Proposal

MM reported that he had attended a meeting with NMCOG regarding updating the current Ortho-Photo database with new images. Currently the aerial photo images in the database are from 2008 and since there has been development in the town since 2008, it would be advantageous to have recent aerial photo images of the town. The proposal from NMCOG would cost the town about \$9,000 and further information is needed before anything is approved.

- **Sherburne Nature Center/Trails Committee Update**

LG briefed the Commission on the improvements completed at the Sherburne Nature Center which included a new walking trail through the meadow. In addition, there are plans to get some new signage for the boardwalk trail. Also, the Highway Department has indicated that they will be able to help with the mowing of the fields when necessary.

## **Administrative:**

### **1. Minutes:**

ES: Motion to approve the minutes as written for March 26, 2013.  
PM: 2<sup>nd</sup> the motion  
**In Favor: 4 Opposed: 0 Absent: 3**  
**Passes: 4-0-3**

**8:15pm**

ES: Motion to adjourn  
LG: 2<sup>nd</sup> the motion  
**In Favor: 4 Opposed: 0 Absent: 3**  
**Passes: 4-0-3**

Respectfully for the Conservation Commission,

Pamela Berman  
Administrative Assistant